

UNCLASSIFIED

To: Exchange@GATEWAYSVR1@Servers[(Powell, Mark J(MS Rm 5906))x400:c=;o=sdoscbpca;s=powell;g=mark;i=j;],Exchange@GATEWAYSVR1@Servers|x(MS Rm 5906))x400:c=us;a= ;p=gov+dos;o=sdoscbpca;s=lee;g=edward
Cc: Richard M Sanders@PE@BOGOT_EMBA, Barbara C Moore@DCM@BOGOT_EMBA, AMB@BOGOT_EMBA
Bcc:
From: Alex L Barrasso@PE@BOGOT_EMBA
Subject: unclassified briefing points on Santo Domingo case
Date: Friday, July 6, 2001 16:48:47 GMT
Attach:
Certify: N
Priority: Normal
Defer until:
Expires:
Forwarded by: UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: DONALD A. JOHNSTON
DATE/CASE ID: 29 MAY 2002 200102988

B 25)

Mark and Alex:

Here are some unclassified points which you can draw upon to brief Hill staffers regarding the Santo Domingo case.

The investigation by the military judiciary into the role the Colombian Air Force (FAC) may have played in the 1998 bombing which killed 17 civilians in Santo Domingo, Arauca Department, has moved from the investigative to the penal phase. The Attorney General's office (Procuraduria General) has filed administrative charges against three members of the FAC and one Army Major, and a first instance military judge recently ordered the same three FAC officials detained, indicting them on criminal charges.

On December 13, 1998, units of the Colombian Security Forces were engaged in combat with FARC units near the town of Santo Domingo in the Department of Arauca. The FAC provided air support to the operation, and a FAC helicopter apparently dropped a cluster bomb in the area, killing 17 civilians and injuring a further 42. Initially, the military claimed it dropped the bomb almost one mile outside the town, not on it as the residents claim.

On June 15, a first instance military judge ruled that FAC members Captain Cesar Romero Pradilla, Lieutenant Johan Jimenez Valencia, and flight technician Hector Mario Hernandez be placed in preventive detention for their involvement in the bombing. The judge charged the three with negligent homicide and simple assault, and set them free on bail, but did not charge them with damage to personal property. We understand the three are under house arrest, not in prison.

On October 27, 2000, the Attorney General (Procuraduria General) filed charges against the three FAC members named above, as well as against Army Major Juan Manuel Gonzalez Gonzalez. A January 29, 2001 decision

UNCLASSIFIED

UNCLASSIFIED

subsequently ordered the collection of evidence. The evidence collection phase of the case must be completed by January 29, 2002. The Attorney General's Delegate for Human Rights has 55 days after the latter date to decide the case, and if his decision is appealed, the case will be sent to the two Attorney General's delegates who hear all appeals.

According to press reports, Romero claimed in his testimony to the military judge that a privately owned Skymaster patrol aircraft in the area at the time of the bombing gave him the coordinates for the bombing run, and that army ground troops ordered the dropping of the bomb. The FAC has asserted that the plane was under FAC control at the time. Romero admits dropping the bomb, but believes he should not be held responsible for the 17 deaths since he was only following orders.

Hope this helps!

Alex

UNCLASSIFIED